

FIFTY-FOURTH DAY

(Tuesday, April 15, 1941)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Leonard.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Fuchs
Allen	Gandy
Allison	Gilmer
Alsup	Goodman
Anderson	Halsey
Avant	Hanna
Bailey	Hardeman
Baker	Hargis
Bean	Harris of Dallas
Bell	Harris of Hill
Benton	Hartzog
Blankenship	Heflin
Boone	Helpinstill
Brawner	Henderson
Bray	Hobbs
Bridgers	Howard
Brown	Howington
Bruhl	Hoyo
Bullock	Huddleston
Bundy	Huffman
Burkett	Hughes
Burnaman	Humphrey
Carlton	Hutchinson
Carrington	Isaacks
Cato	Jones
Celaya	Kelly
Chambers	Kennedy
Clark	Kersey
Cleveland	Kinard
Coker	King
Colson, Mrs.	Klingeman
Connelly	Knight
Craig	Lansberry
Crossley	Lehman
Crosthwait	Leyendecker
Daniel	Little
Davis	Lock
Deen	Love
Dickson of Bexar	Lowry
Dickson of Nolan	Lucas
Donald	Lyle
Dove	McAlister
Duckett	McCann
Dwyer	McDonald
Ellis	McGlasson
Eubank	McLellan
Evans	McMurry
Favors	McNamara
Ferguson	Manford
Files	Manning
Fitzgerald	Markle

Martin	Senterfitt
Matthews	Sharpe
Mills	Shell
Montgomery	Simpson
Moore	Skiles
Morgan	Smith of Bastrop
Morris	Smith of Atascosa
Morse	Spacek
Murray	Spangler
Nicholson	Stanford
Pace	Stinson
Parker	Stubbs
Pevehouse	Taylor
Phillips	Thornton
Price	Turner
Rampy	Vale
Reed of Bowie	Voigt
Reed of Dallas	Walters
Ridgeway	Wattner
Rhodes	Weatherford
Roark	White
Roberts	Whitesides
Sallas	Winfree

Absent—Excused

Garland

Hileman

A quorum was announced present.

Prayer was offered by Rev. George W. Coltrin, Chaplain, as follows:

"Lord, 'how unsearchable are Thy judgments, and Thy ways past finding out!' We may not rightly interpret world conditions; but we feel that it is right to pray for peace on earth and good will among men. Do Thou lead us and all departments of our government into paths of truth and righteousness. In Christ's name. Amen."

LEAVES OF ABSENCE GRANTED

The following Member was granted leave of absence on account of important business:

Mr. Garland for today on motion of Mr. Huddleston.

The following Member was granted leave of absence on account of illness:

Mr. Hileman for today on motion of Mr. Fitzgerald.

HOUSE BILL NO. 480 ORDERED
PRINTED ON MINORITY
REPORT

Mr. Simpson moved that House Bill No. 480 reported adversely with

a minority favorable report, be printed.

The motion prevailed.

Mr. Simpson moved to reconsider the vote by which House Bill No. 480 was ordered printed on minority report and to table the motion to reconsider.

The motion to table prevailed.

On motion of Mr. Simpson the committee amendment to House Bill No. 480 was ordered printed in mimeograph form in lieu of the original bill and not otherwise printed.

BILL RECOMMITTED

Mr. Alsup moved that House Bill No. 348 be recommitted to the Committee on Appropriations.

(Mr. McAlister in the Chair.)

Question recurring on the motion by Mr. Alsup, it prevailed.

BILL ORDERED NOT PRINTED

On motion of Mr. Rampy Senate Bill No. 65 was ordered not printed.

(Speaker in the Chair.)

MESSAGE FROM THE SENATE

Austin, Texas, April 15, 1941.
Hon. Homer Leonard, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted the following:

H. C. R. No. 88, Extending the registration date limit of commercial motor vehicles to April 28, 1941.

The Senate has adopted the Conference Committee report on H. B. No. 271 by the following vote: Yeas, 24; nays, 5.

Respectfully,

BOB BARKER,
Secretary of the Senate.

NAMING MISS LINDA KAYE KUBENA SWEETHEART OF THE HOUSE

Mr. McLellan offered the following resolution:

H. S. R. No. 204, Naming Miss

Linda Kaye Kubena Sweetheart of the House.

Whereas, We have with us now a proper person for office of Sweetheart of the House of Representatives of the Forty-seventh Legislature; and

Whereas, This person is Linda Kaye Kubena, the granddaughter of R. B. Spacek, a member of the Forty-seventh Legislature, of Fayetteville, Fayette County, Texas; now, therefore, be it

Resolved, That she be officially named as Sweetheart of the House of Representatives of the Forty-seventh Legislature of the State of Texas; and be it further

Resolved, That the said Sweetheart have her picture made and placed in the official group of this body.

McLELLAN,
MARKLE,
WEATHERFORD,
LOWRY,
THORNTON,
BAILEY.

The resolution was read second time and was adopted.

EXTENDING PRIVILEGES OF THE FLOOR

Mr. Skiles offered the following resolution:

H. S. R. No. 207, Extending Privileges of the Floor.

Whereas, On April 21, the anniversary of the historical victory on the battle grounds of San Jacinto, the House of Representatives has invited the Honorable Lyndon Johnson to deliver a patriotic address in the Hall of the House before a joint session of the Legislature; and

Whereas, The Honorable Lyndon Johnson is an outstanding Democrat and can be expected to bring a message of vital importance and interest to the people of Texas; and

Whereas, Many citizens have expressed a desire to hear the address of the Honorable Lyndon Johnson;

Now, therefore, be it resolved by the House, That we extend a special invitation to the public to attend the Joint Session of the Legislature on the morning of April 21; and be it further resolved, That the Rules re-

lating to floor privileges be suspended during the Joint Session on April 21 so that privileges of the floor may be extended to distinguished Texans desiring to be present on that occasion.

SKILES,
STANFORD,
CARRINGTON.

The resolution was read second time and was unanimously adopted.

GRANTING CITY OF AUSTIN CERTAIN EASEMENT

Mr. Carrington offered the following resolution:

H. C. R. No. 91, Granting City of Austin Certain Easement.

Whereas, The City of Austin is engaged in an expansion and improvement program, involving the construction of a new boulevard through the City of Austin, to be used for highway purposes, and to be used as a link in the highway system of the State of Texas; and

Whereas, The expense of construction and maintenance of such boulevard is being assumed by said City of Austin, and all necessary right of way therefor across lands privately owned is being procured by the City of Austin without expense to the State; and

Whereas, Said boulevard must cross the tract of land belonging to the State of Texas, lying adjacent to the Colorado River on the north bank thereof, known as the State of Texas Sand Beach Reserve; and

Whereas, As a further part of such program the City of Austin is extending certain sanitary sewer lines and in so doing must cross with said lines certain property belonging to the State of Texas; now, therefore, be it

Resolved by the House of Representatives of Texas, the Senate concurring, That the State Board of Control be and it is hereby authorized, in consideration of the benefits accruing to the State of Texas from the construction and maintenance of such boulevard and sanitary sewer system, respectively, to execute to the City of Austin the following easements:

First. An easement for street, boulevard and highway purposes

granting to the City of Austin a right to construct and perpetually maintain a street, boulevard, or highway, and grades and embankments necessary thereto, in and upon a tract or strip of 2.771 acres of land in the City of Austin, Travis County, Texas, same being a portion of the State of Texas Sand Beach Reserve tract lying west of West Avenue and south of Outlots One (1) and Eleven (11), Division "Z" of the Government Outlots adjoining the Original City of Austin according to a map or plat of said Government Outlots on file in the General Land Office of the State of Texas, 2.728 acres of said tract herein described being out of and a part of the said Sand Beach Reserve Tract as surveyed by Orin E. Metcalfe, Civil Engineer, in December, 1916, and 0.043 of one acre of said tract herein described being situated between the south line of said Metcalfe Survey and the north bank of the Colorado River, and which 2.771 acres of land is more particularly described by metes and bounds as follows:

Beginning at an iron stake in the north line of the said Sand Beach Reserve as established by said Metcalfe survey previously referred to, the same being the south line of said Outlot 11, Division Z, and from which point of beginning the southwest corner of said Outlot 11 as evidenced by an iron buggy axle driven in the ground bears N. 54° 50' W. 1122.72 feet;

Thence following the north line of said Metcalfe survey and the south line of Outlot 11, Division Z, S. 54° 50' E. 206.46 feet to an iron stake;

Thence S. 20° 47' W. at 567.15 feet pass a point in the south line of said Sand Beach Reserve as established by the aforesaid Metcalfe survey in all a distance of 577.15 feet to the waters edge of the Colorado River;

Thence following the waters edge of the Colorado River in an upstream direction N. 69° 45' W. 200.04 feet to a point;

Thence N. 20° 47' E. at 19.84 feet pass a point in the south line of said Metcalfe survey previously referred to, in all a distance of 629.96 feet to the point of beginning.

Second. An easement granting to the City of Austin a right to con-

struct and perpetually maintain a sanitary sewer easement in, upon and across portions of the James P. Wallace Survey within the City of Austin, Travis County, Texas, said portions of such James P. Wallace Survey having been conveyed in three separate tracts to the State of Texas by Ernest Krohn by deed dated March 14, 1883, and recorded in Volume 55, pages 247-248, of the Deed Records of Travis County, Texas, said three tracts of land being a forty (40) acre tract, a fifty-five (55) acre tract, and a thirteen (13) acre tract, all clearly described in the above mentioned deed, the center line of the sanitary sewer to be constructed in, upon and across said land being described by metes and bounds as follows:

Beginning at a point in the south line of said 40 acre tract of land and from which point of beginning the southeast corner of said 40 acre tract bears S. 59° 45' E. 250.33 feet;

Thence crossing the above mentioned three tracts of land with the following courses:

N. 30° 07' E. 1364.34 feet to a point;

N. 11° 09' W. 474.63 feet to a point, and

N. 16° 24' E. 143.69 feet to a point of termination in the west line of the aforesaid 13 acre tract, and from which point of termination the northwest corner of said tract bears N. 30° 30' E. 744.85 feet.

CARRINGTON,
STANFORD.

The resolution was read second time and was adopted.

TO GRANT PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 28, To Grant Arol Kerley and W. E. Pendergrass permission to Sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

The resolution was adopted by the following vote:

Yeas—123

Allen	Hughes
Allison	Hutchinson
Alsup	Isaacks
Avant	Jones
Bailey	Kelly
Baker	Kennedy
Bell	Kersey
Benton	Klingeman
Brawner	Knight
Bray	Lansberry
Bridgers	Lehman
Brown	Leyendecker
Bruhl	Lock
Bullock	Love
Bundy	Lowry
Burkett	Lucas
Carrington	Lyle
Cato	McAlister
Chambers	McCann
Clark	McLellan
Cleveland	McMurry
Colson, Mrs.	Manford
Connelly	Manning
Craig	Markle
Crossley	Martin
Crosthwait	Matthews
Daniel	Mills
Deen	Montgomery
Dickson of Bexar	Morgan
Dickson of Nolan	Morris
Donald	Murray
Dove	Nicholson
Duckett	Pace
Dwyer	Parker
Ellis	Pevehouse
Eubank	Phillips
Evans	Price
Favors	Rampy
Ferguson	Reed of Bowie
Files	Reed of Dallas
Fitzgerald	Ridgeway
Fuchs	Rhodes
Gandy	Roark
Halsey	Roberts
Hanna	Sallas
Hardeman	Senterfitt
Hargis	Sharpe
Harris of Dallas	Shell
Harris of Hill	Simpson
Hartzog	Skiles
Heflin	Smith of Bastrop
Helpinstill	Smith of Atascosa
Hobbs	Spacek
Howard	Spangler
Howington	Stanford
Hoyo	Stinson
Huffman	Stubbs

Taylor	Wattner	Ellis	McNamara
Thornton	White	Eubank	Manford
Turner	Whitesides	Evans	Markle
Voigt	Winfree	Favors	Martin
Walters		Ferguson	Matthews
	Absent	Files	Mills
Anderson	Huddleston	Fitzgerald	Montgomery
Bean	Humphrey	Fuchs	Morgan
Blankenship	Kinard	Gandy	Morris
Boone	King	Goodman	Morse
Burnaman	Little	Halsey	Murray
Carlton	McDonald	Hanna	Nicholson
Celaya	McGlasson	Hardeman	Pace
Coker	McNamara	Hargis	Parker
Davis	Moore	Harris of Dallas	Pevehouse
Gilmer	Morse	Harris of Hill	Phillips
Goodman	Vale	Hartzog	Price
Henderson	Weatherford	Heflin	Rampy
	Absent—Excused	Helpinstill	Reed of Bowie
Garland	Hileman	Hobbs	Reed of Dallas
		Howard	Ridgeway
		Howington	Rhodes
		Hoyo	Roark
		Huffman	Roberts
		Hughes	Sallas
		Humphrey	Senterfitt
		Hutchinson	Sharpe
		Isaacks	Shell
		Jones	Simpson
		Kelly	Smith of Bastrop
		Kennedy	Smith of Atascosa
		Kersey	Spacek
		Kinard	Spangler
		Klingeman	Stanford
		Knight	Stinson
		Lansberry	Stubbs
		Lehman	Taylor
		Leyendecker	Thornton
		Lock	Turner
		Love	Vale
		Lowry	Voigt
		Lucas	Walters
		Lyle	Wattner
		McCann	White
		McLellan	Whitesides
		McMurry	Winfree
			Absent
		Alsup	King
		Anderson	Little
		Blankenship	McAlister
		Burnaman	McDonald
		Celaya	McGlasson
		Crosthwait	Manning
		Davis	Moore
		Gilmer	Skiles
		Henderson	Weatherford
		Huddleston	
			Absent—Excused
		Garland	Hileman

TO GRANT PERMISSION TO SUE THE STATE

The Speaker laid before the House, for consideration at this time, the following resolution:

H. C. R. No. 89, To grant W. D. Muncy and wife permission to Sue the State.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

The Committee on State Affairs having recommended the adoption of the resolution.

The resolution was then adopted by the following vote:

Yeas—128

Allen	Carrington
Allison	Cato
Avant	Chambers
Bailey	Clark
Baker	Cleveland
Bean	Coker
Bell	Colson, Mrs.
Benton	Connelly
Boone	Craig
Brawner	Crossley
Bray	Daniel
Bridgers	Deen
Brown	Dickson of Bexar
Bruhl	Dickson of Nolan
Bullock	Donald
Bundy	Dove
Burkett	Duckett
Carlton	Dwyer

HOUSE BILL NO. 284 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 284, A bill to be entitled "An Act appropriating Seven Million, Three Hundred Eighty-three Thousand and Ninety-four Dollars (\$7,383,094) per year, or so much thereof as may be necessary, for the biennium beginning September 1, 1941, and ending August 31, 1943, for the purpose of promoting public school interest and equalizing the educational opportunities afforded by the State to all children of scholastic age within the State; providing for the allotment and expenditure by the State Superintendent of Public Instruction of such funds under the direction and advice of a Joint Legislative Advisory Committee; providing for the transfer of unexpended balances for the year ending August 31, 1942, to the appropriation for the year ending August 31, 1943; etc.; and declaring an emergency."

The bill was read second time.

Question: Shall House Bill No. 284 pass to engrossment?

HOUSE JOINT RESOLUTION NO. 1 ON SECOND READING

The Speaker laid before the House, on its second reading and passage to engrossment,

H. J. R. No. 1, Proposing an amendment to Article III of the Constitution of the State of Texas, by adding a new section thereto to be known as Section 49a, requiring all bills passed by the Legislature on and after January 1st, 1945, appropriating money for any purpose to be sent to the Comptroller of Public Accounts, and fixing the duties of the Comptroller with reference thereto; and fixing the duties of the Speaker of the House of Representatives upon the return of any such bill to such Speaker by the Comptroller; and fixing the status of any such appropriation bill when so returned; and fixing the duties of the Governor with reference to all appropriation bills; and requiring the State Treasurer, on or after Jan-

uary 1st, 1945, to submit to the Comptroller of Public Accounts daily report showing condition of all State funds; and regulating the issuance of warrants by the Comptroller; and providing for the submission of this amendment to the voters as required by the Constitution, and making an appropriation therefor.

The resolution was read second time.

(Mr. Stinson in the Chair.)

Mr. Bell offered the following amendment to the resolution:

Amend House Joint Resolution No. 1 by adding a new section to be known as Section 49B and to read as follows:

"Provided, however, the terms of this amendment shall not be effective unless the deficit in the General Revenue Fund exceeds Thirty Million (\$30,000,000) Dollars."

BELL,
MORRIS.

Mr. Morse moved that House Joint Resolution No. 1 be tabled.

The motion to table was lost.

Mr. Taylor moved that House Joint Resolution No. 1 be laid on the table subject to call.

Mr. Reed of Dallas moved to table the motion by Mr. Taylor.

The motion to table prevailed.

Mr. Morse moved that further consideration of House Joint Resolution No. 1 be postponed until 11:00 o'clock a. m. next Tuesday.

On motion of Mr. Reed of Dallas, the motion to postpone was tabled.

Mr. Hartzog offered the following substitute for the amendment by Mr. Bell:

Amend House Joint Resolution No. 1 by adding after the comma after the word "levied" in line 10, Section 49a of the mimeographed bill, the following:

"Provided that the State Treasurer, during the years of 1945 and 1946, in estimating the amount available, shall add the sum of \$20,000,000 to such estimate and

during the years 1947 and 1948 he shall add \$10,000,000 to such estimate.

**HARTZOG,
BELL,
MORRIS.**

On motion of Mr. Reed of Dallas, the substitute amendment by Mr. Hartzog was tabled.

Mr. Hughes moved that House Joint Resolution No. 1 be recommitted to the Committee on Constitutional Amendments.

(Speaker in the Chair.)

On motion of Mr. McMurry, the motion to recommit House Joint Resolution No. 1 to the Committee on Constitutional Amendments was tabled.

Mr. Nicholson offered the following substitute for the amendment by Mr. Bell:

Amend House Joint Resolution No. 1 by adding a new section to be known as Section 49-B and to read as follows:

"Provided, however, the terms of this amendment shall not be effective unless the deficit in the General Revenue Fund exceeds Ten Million (\$10,000,000) Dollars."

On motion of Mr. Bell, the substitute amendment by Mr. Nicholson was tabled.

Miss Files moved the previous question on the pending amendment by Mr. Bell and House Joint Resolution No. 1, and the main question was ordered.

Mr. Morse moved to reconsider the vote by which the previous question was ordered.

Mr. Reed of Dallas moved to table the motion to reconsider.

The motion to table prevailed.

Question recurring on the amendment by Mr. Bell, it was lost.

Question: Shall House Joint Resolution No. 1 be passed?

The roll of the House was called and the vote announced, as follows: Yeas, 102; nays, 41.

A verification of the vote was requested.

Mr. Love moved a call of the House pending the verification, and the call was duly seconded.

Question recurring on the motion for the call of the House, it was lost.

Mr. Dwyer moved a call of the House pending the verification and the call was duly seconded.

Question recurring on the motion for the call of the House, it was lost.

The roll of the "yeas" and "nays" was again called and the verified vote resulted, as follows:

Yeas—100

Allen	Huddleston
Allison	Huffman
Alsup	Humphrey
Avant	Hutchinson
Bailey	Isaacks
Baker	Kelly
Bean	Kennedy
Benton	Kinard
Blankenship	King
Boone	Klingeman
Bray	Knight
Bruhl	Lehman
Bullock	Lock
Bundy	Love
Burkett	Lowry
Cato	Lucas
Chambers	McCann
Cleveland	McGlasson
Coker	McLellan
Craig	McMurry
Crossley	McNamara
Crosthwait	Manford
Daniel	Manning
Davis	Martin
Deen	Matthews
Dickson of Nolan	Moore
Dwyer	Morgan
Eubank	Murray
Evans	Nicholson
Favors	Parker
Ferguson	Pevehouse
Files	Phillips
Fitzgerald	Price
Fuchs	Rampy
Goodman	Reed of Bowie
Halsey	Reed of Dallas
Hanna	Ridgeway
Harris of Dallas	Rhodes
Harris of Hill	Roark
Hartzog	Roberts
Henderson	Sallas
Howard	Senterfitt
Howington	Simpson
Hoyo	Smith of Bastrop

Smith of Atascosa	Vale
Spacek	Voigt
Stinson	Wattner
Stubbs	White
Thornton	Whitesides
Turner	Winfree

Nays—41

Anderson	Hughes
Bell	Jones
Brawner	Kersey
Bridgers	Lansberry
Brown	Little
Burnaman	Lyle
Carlton	McAlister
Carrington	McDonald
Clark	Markle
Connelly	Mills
Dickson of Bexar	Montgomery
Donald	Morris
Dove	Morse
Duckett	Pace
Ellis	Skiles
Gandy	Spangler
Hardeman	Stanford
Hargis	Taylor
Heflin	Walters
Helpinstill	Weatherford
Hobbs	

Absent

Celaya	Leyendecker
Colson, Mrs.	Sharpe
Gilmer	Shell

Absent—Excused

Garland	Hileman
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The Speaker announced that House Joint Resolution No. 1, was passed by the above vote.

Mr. Hartzog moved to reconsider the vote by which House Joint Resolution No. 1 was passed and asked to have the motion to reconsider spread on the Journal.

Mr. Reed of Dallas called up from the Journal the motion to reconsider the vote by which House Joint Resolution No. 1 was passed.

The motion to reconsider prevailed.

Question: Shall House Joint Resolution No. 1 be passed?

Mr. Carlton moved to postpone further consideration of House Joint Resolution No. 1 until 11:00 o'clock a. m. next Tuesday.

The motion to postpone was lost.

Mr. Hughes moved that House Joint Resolution No. 1 be recommitted to the Committee of the Whole House.

The motion was lost.

Mr. Morse moved to postpone further consideration of House Joint Resolution No. 1 until 10:00 o'clock a. m. tomorrow.

On motion of Mr. Reed of Dallas, the motion to postpone was tabled.

Mr. Morse moved to postpone further consideration of House Joint Resolution No. 1 until 4:00 o'clock p. m. today.

On motion of Mr. Reed of Dallas, the motion to postpone was tabled.

Mr. Morse offered the following amendment to the resolution:

Amend House Joint Resolution No. 1, by adding after the word "bill" in line one of Section. 49a, the following: "Except bills providing funds for educational and social security purposes."

On motion of Mr. Reed of Dallas, the amendment was tabled.

Mr. Dickson of Bexar, offered the following amendment to the resolution:

Amend House Joint Resolution No. 1, by striking out Section 1, and inserting in lieu thereof the following:

Section 1. That Article III of the Constitution of the State of Texas, be amended by adding thereto immediately after Section 49—a section to be known as Sec. 49a, to read as follows:

Sections 49a—On and after the adoption of this amendment no bill containing any appropriation of funds for any purpose, other than those to relieve a public calamity, shall be passed without a provision levying a tax sufficient to discharge the amount of the proposed appropriation.

DICKSON of Bexar,
LYLE.

Mr. McMurry raised a point of order on consideration of the amendment at this time, on the ground that the amendment is not germane to the resolution.

The Speaker sustained the point of order.

Mr. Hartzog offered the following amendment to the resolution:

Amend House Joint Resolution No. 1, by adding a new section to be known as Section 49B, to read as follows:

Provided that the above restriction shall not apply to any appropriation bill receiving a 4/5 vote of both Houses.

On motion of Mr. Reed of Dallas, the amendment was tabled.

Mr. Morse offered the following amendment to the resolution:

Amend House Joint Resolution No. 1, by adding at the proper place the following:

"The Legislature shall have the power, and it shall be its duty to issue bonds to retire whatever deficit exists before the provisions contained herein become effective, said bonds to run for a period not exceeding 25 years."

Mr. Lowry moved the previous question on the pending amendment and House Joint Resolution No. 1, and the main question was ordered.

Question recurring on the amendment by Mr. Morse, it was lost.

Mr. Taylor called for a full reading of the resolution.

Mr. Craig moved to dispense with the full reading of the resolution.

The motion of Mr. Craig prevailed.

Mr. McDonald raised a point of order on further consideration of the resolution at this time, on the ground that Section V of Rule 23 is violated inasmuch that the resolution has not been printed and placed upon the desks of members.

The Speaker overruled the point of order.

House Joint Resolution No. 1, was passed to engrossment by the following vote:

Yeas—97

Allison Bailey
Avant Baker

Bean	Lehman
Boone	Lock
Bray	Love
Bruhl	Lowry
Bullock	Lucas
Bundy	McCann
Burkett	McGlasson
Carrington	McLellan
Cato	McMurry
Chambers	McNamara
Clark	Manford
Cleveland	Manning
Coker	Martin
Craig	Matthews
Crossley	Moore
Crosthwait	Morgan
Daniel	Murray
Deen	Nicholson
Dickson of Nolan	Parker
Dwyer	Pevehouse
Eubank	Phillips
Evans	Price
Favors	Rampy
Ferguson	Reed of Bowie
Files	Reed of Dallas
Fitzgerald	Ridgeway
Gandy	Roark
Gilmer	Roberts
Goodman	Sallas
Halsey	Senterfitt
Hanna	Simpson
Harris of Dallas	Skiles
Harris of Hill	Smith of Bastrop
Henderson	Smith of Atascosa
Howard	Spacek
Howington	Stinson
Hoyo	Stubbs
Huddleston	Thornton
Huffman	Turner
Humphrey	Vale
Hutchinson	Voigt
Isaacks	Walters
Kennedy	Wattner
Kinard	White
King	Whitesides
Klingeman	Winfree
Knight	

Nays—39

Alsup	Hardeman
Bell	Hargis
Brawner	Hartzog
Bridgers	Helpinstill
Burnaman	Hobbs
Carlton	Hughes
Connelly	Jones
Davis	Kelly
Dickson of Bexar	Kersey
Donald	Lansberry
Duckett	Little
Ellis	Lyle
Fuchs	McAlister

McDonald	Rhodes
Markle	Shell
Mills	Spangler
Montgomery	Stanford
Morris	Taylor
Morse	Weatherford
Pace	

Absent

Allen	Colson, Mrs.
Anderson	Dove
Benton	Heflin
Blankenship	Leyendecker
Brown	Sharpe
Celaya	

Absent—Excused

Garland	Hileman
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Mr. Hanna moved to reconsider the vote by which the resolution was engrossed, and to table the motion to reconsider.

The motion to table prevailed.

TO GRANT PERMISSION TO
SUE THE STATE

Mr. Hoyo offered the following resolution:

H. C. R. No. 92, To grant Mrs. Mamie Scherrer permission to sue the State.

Whereas, Mrs. Mamie Scherrer sustained damages by reason of personal injuries alleged to have been received by her when the automobile in which she was riding on the old Sinton to Taft Highway ran into a drainage ditch which was allegedly left unguarded across said highway by the State Highway Department of the State of Texas, on January 21, 1941, and it is alleged that no signs or lights or any other warning signal was placed near said drainage ditch to warn the driver of said automobile of the impending danger, and it is alleged that said failure to place a warning signal near said drainage ditch was negligence on the part of the State Highway Department of the State of Texas, and said negligence was allegedly the proximate cause of said damages; and

Whereas, The said Mrs. Mamie Scherrer and husband, Emil Scherrer, their heirs, executors, administrators and assigns desire to file suit against said State of Texas to recover said alleged damages; now, therefore, be it

Resolved, By the House of Representatives of the State of Texas, the Senate concurring, that the said Mrs. Mamie Scherrer and her husband, Emil Scherrer, their heirs, executors, administrators and assigns, are hereby granted permission to bring suit against the State of Texas, and/or the State Highway Department on account of such alleged damages as aforesaid, in any court of competent jurisdiction in San Patricio County, Texas, in order to determine what compensation and damages, if any, they are entitled to recover by reason of said alleged injuries, and in case suit is filed that the service of citation or any other service or process be had upon the Chairman of the State Highway Commission and/or the Attorney General of the State of Texas, and have the same force and effect as provided in civil cases, and provided further that either party after judgment may appeal as provided by law in like cases; and it is so resolved.

The resolution was read second time and was referred, by the Speaker, to the Committee on State Affairs.

ADDITIONAL SIGNER OF
HOUSE BILL

By unanimous consent of the House, the following Member was authorized to sign bill as coauthor of same, as follows:

Mr. Bruhl: H. B. No. 451.

MOTION TO INSTRUCT COMMITTEE ON REVENUE AND
TAXATION

Mr. Kersey moved to suspend all necessary Rules for the purpose of making a motion to instruct the Committee on Revenue and Taxation to report House Bill No. 133 by 10:00 o'clock a. m. next Tuesday.

The motion to suspend the Rules was lost by the following vote:

Yeas—29

Bray	Davis
Burkett	Deen
Burnaman	Dickson of Bexar
Chambers	Ellis
Clark	Evans
Coker	Favors
Craig	Fuchs

Howington	Pevehouse
Jones	Rhodes
Kersey	Roberts
McGlasson	Senterfitt
McMurry	Smith of Bastrop
McNamara	Turner
Murray	Whitesides
Pace	

Nays—99

Alsup	Knight
Anderson	Lansberry
Avant	Lehman
Bailey	Little
Bean	Lock
Bell	Lowry
Boone	Love
Brawner	Lucas
Bruhl	McAlister
Bullock	McCann
Bundy	McDonald
Carlton	McLellan
Carrington	Manford
Cato	Manning
Cleveland	Markle
Colson, Mrs.	Martin
Connelly	Matthews
Crosthwait	Mills
Daniel	Moore
Dickson of Nolan	Morgan
Donald	Morris
Duckett	Morse
Dwyer	Nicholson
Eubank	Parker
Ferguson	Phillips
Files	Price
Fitzgerald	Rampy
Gandy	Reed of Bowie
Gilmer	Reed of Dallas
Halsey	Ridgeway
Hanna	Roark
Hardeman	Sallas
Hargis	Shell
Harris of Dallas	Simpson
Harris of Hill	Skiles
Hartzog	Smith of Atascosa
Heflin	Spacek
Helpinstill	Spangler
Henderson	Stanford
Hobbs	Stinson
Hoyo	Stubbs
Hughes	Taylor
Humphrey	Thornton
Hutchinson	Vale
Isaacks	Voigt
Kelly	Walters
Kennedy	Wattner
Kinard	Weatherford
King	Winfree
Klingeman	

Absent

Allen	Goodman
Allison	Howard
Baker	Huddleston
Benton	Huffman
Blankenship	Leyendecker
Bridgers	Lyle
Brown	Montgomery
Celaya	Sharpe
Crossley	White
Dove	

Absent—Excused

Garland	Hileman
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SPECIAL ORDER SET

Mr. Bell moved that House Bill No. 25 be set for special order at 10:30 o'clock a. m. next Friday.

The motion prevailed by the following vote:

Yeas—120

Allen	Eubank
Allison	Evans
Alsup	Favors
Anderson	Ferguson
Bailey	Files
Baker	Fuchs
Bean	Gandy
Bell	Halsey
Bray	Hanna
Bridgers	Hardeman
Bruhl	Hargis
Bullock	Harris of Dallas
Burkett	Harris of Hill
Burnaman	Hartzog
Carlton	Helpinstill
Carrington	Henderson
Cato	Hobbs
Chambers	Howard
Clark	Howington
Cleveland	Huddleston
Coker	Hughes
Colson, Mrs.	Humphrey
Connelly	Hutchinson
Craig	Isaacks
Crossley	Jones
Crosthwait	Kelly
Daniel	Kennedy
Davis	Kersey
Deen	Kinard
Dickson of Bexar	King
Dickson of Nolan	Klingeman
Donald	Knight
Duckett	Lansberry
Dwyer	Lehman
Ellis	Little

Lock	Ridgeway
Lowry	Rhodes
Lucas	Roark
Lyle	Roberts
McCann	Sallas
McDonald	Senterfitt
McGlasson	Shell
McLellan	Simpson
Manford	Skiles
Manning	Smith of Bastrop
Markle	Spacek
Matthews	Spangler
Mills	Stanford
Moore	Stinson
Morgan	Stubbs
Morris	Taylor
Morse	Thornton
Murray	Turner
Pace	Vale
Parker	Voigt
Pevehouse	Walters
Phillips	Wattner
Price	Weatherford
Rampy	Whitesides
Reed of Bowie	Winfree
Reed of Dallas	

Nays—9

Boone	McAlister
Brawner	McNamara
Bundy	Martin
Gilmer	Smith of Atascosa
Love	

Absent

Avant	Hoyo
Benton	Huffman
Blankenship	Leyendecker
Brown	McMurry
Celaya	Montgomery
Dove	Nicholson
Fitzgerald	Sharpe
Goodman	White
Heflin	

Absent—Excused

Garland	Hileman
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RESOLUTIONS SIGNED BY
THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled resolutions:

H. C. R. No. 88, Extending the date of registration of commercial motor vehicles.

S. C. R. No. 28, To grant Arol Kerley and W. E. Pendergrass permission to sue the State.

RECESS

Mr. Smith of Atascosa moved that the House adjourn until 10:00 o'clock a. m. tomorrow.

Mr. Lock moved that the House recess until 3:00 o'clock p. m. today.

Mr. Reed of Bowie moved that the House recess until 3:30 o'clock p. m. today.

Question first recurring on the motion to adjourn, it was lost.

Question next recurring on the motion to recess until 3:00 o'clock p. m. today, it was lost.

Question then recurring on the motion to recess until 3:30 o'clock p. m. today, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—76

Alsup	Heflin
Avant	Helpinstill
Baker	Hoyo
Bean	Huddleston
Bell	Hughes
Boone	Humphrey
Bray	Kelly
Bullock	Kersey
Burkett	King
Carrington	Knight
Chambers	Lansberry
Cleveland	Lock
Coker	Lucas
Colson, Mrs.	Lyle
Connely	McLellan
Crossley	Manning
Crosthwait	Matthews
Daniel	Mills
Deen	Moore
Dickson of Bexar	Morgan
Donald	Morris
Duckett	Murray
Dwyer	Parker
Ellis	Pevehouse
Eubank	Phillips
Evans	Rampy
Favors	Reed of Bowie
Ferguson	Reed of Dallas
Files	Senterfitt
Fuchs	Smith of Bastrop
Gilmer	Spacek
Halsey	Stanford
Hanna	Stinson
Hardeman	Stubbs
Hargis	Taylor

Thornton	Weatherford
Walters	White
Wattner	Whitesides

Nays—59

Allen	Little
Allison	Love
Anderson	Lowry
Bailey	McAlister
Brown	McCann
Bruhl	McDonald
Bundy	McGlasson
Burnaman	McMurry
Carlton	McNamara
Celaya	Manford
Clark	Markle
Craig	Martin
Davis	Morse
Dickson of Nolan	Nicholson
Gandy	Pace
Harris of Dallas	Price
Harris of Hill	Ridgeway
Hartzog	Rhodes
Henderson	Roark
Hobbs	Roberts
Howard	Sallas
Howington	Simpson
Huffman	Skiles
Hutchinson	Smith of Atascosa
Isaacks	Spangler
Jones	Turner
Kennedy	Vale
Kinard	Voigt
Klingeman	Winfree
Lehman	

Absent

Benton	Fitzgerald
Blankenship	Goodman
Brawner	Leyendecker
Bridgers	Montgomery
Cato	Sharpe
Dove	Shell

Absent—Excused

Garland	Hileman
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The House accordingly, at 1:45 o'clock p. m., took recess until 3:30 o'clock p. m. today.

AFTERNOON SESSION

The House met at 3:30 o'clock p. m. and was called to order by the Speaker.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence for this afternoon on account of illness:

Mr. Avant, on motion of Mr. Ferguson.

Mr. Kinard, on motion of Mr. Roberts.

Mr. Jones, on motion of Mr. Brawner.

Mr. Benton, on motion of Mr. Evans.

Mr. Ellis was granted leave of absence temporarily for this afternoon on account of important business, on motion of Mr. Bailey.

Mr. Spangler, temporarily for this afternoon, on account of important business, on motion of Mr. McNamara.

HOUSE BILL NO. 284 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as pending business, House Bill No. 284, To make certain appropriation for the purpose of promoting public school interest, etc., on its passage to engrossment.

The bill having been read second time on this morning.

Mr. Alsup offered the following committee amendment to the bill:

Amend House Bill No. 284 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. Appropriation. For the purpose of promoting public school interest and equalizing the educational opportunities afforded by the State to all children of scholastic age within the State, there is hereby appropriated out of the General Revenue Fund Eight Million, One Hundred Sixty-six thousand, One Hundred and Ninety-two (\$8,166,192) Dollars, or so much thereof as may be necessary for the school year ending August 31, 1942, and Eight Million, One Hundred Sixty-six Thousand, One Hundred and Ninety-two (\$8,166,192) Dollars or so much thereof as may be necessary for the school year ending August 31, 1943; to be allotted and expended by the State Superintendent of Public Instruction through the Director of Equalization in the State Department of Education and under the supervision and advice of

a special Joint Legislative Advisory Committee composed of the following members: five (5) members of the Senate to be appointed by the President of the Senate and five (5) members of the House of Representatives to be appointed by the Speaker of the House of Representatives. Said Committee shall promptly organize and select from its membership a chairman and a secretary and keep a permanent record of its proceedings and shall vote as a unit on all propositions coming before it for consideration. In addition to other powers and duties, they shall have appellate and final jurisdiction on all matters of dispute between said Department of Education and any applicant for aid under the provisions and terms of this Act, and until otherwise changed or directed all rules and regulations of the State Board of Education shall govern the disposition of all applications for aid under the provisions of this Act; and said Committee shall have no authority to make any grant of aid except that authorized by this Act. Said members to be reimbursed for their actual and necessary expenses from the Contingent Fund of the House of the respective members for the actual and necessary expenses in performance of their duties as members of said Committee on approval of the Chairman of said Joint Advisory Committee and the Chairman of the respective Contingent Expense Committee of each House, not to exceed Six Thousand (\$6,000) Dollars; for each year of the biennium; provided that any unexpended balance occurring at the end of the year 1942 in any allocation may be transferred and added to the appropriation for the year ending August 31, 1943;

Sec. 2. Scholastic Population of the District. State aid under the provisions of this Act shall be distributed in such a way as to assist all school districts of not fewer than twenty (20) scholastics and not more than five hundred (500) scholastics, and consolidated and/or rural high school districts which have an average of not more than two hundred (200) scholastics of each original district composing the consolidated and/or rural high school district unit; provided that the maxi-

mum limitations as to scholastic population herein set forth shall not apply for any type of aid to any school district which is nine (9) miles or more in length or contains forty-eight (48) square miles of territory or more, provided there is not located in such district an incorporated city or town having a population of more than thirty-six hundred (3600) inhabitants, according to the last preceding Federal Census; if the budgetary needs of such school district coming within the provisions of this exception show a need therefor as provided in this Act. Provided that schools in sparsely settled counties may be exempt from the minimum restrictions of twenty (20) scholastics, as hereinafter defined; provided, however, that the Joint Legislative Advisory Committee may extend teacher aid not to exceed one (1), in common school districts of less than thirty-five (35) scholastics, where there is located in such school districts two (2) school plants and when in such districts there are physical barriers between such school plants of such nature as to render it impractical to have one (1) school plant, when such additional teacher is recommended by the Director of Equalization; provided that in such cases the district applying for aid shall be levying and collecting the limit of local tax support as provided by the Section 6 of this Act.

Sec. 3. Distance Between Schools. No aid shall be granted to any school under the provisions of this Act which is located within two and one-half ($2\frac{1}{2}$) miles of another school of the same race, unless on account of the conditions of the roads and other physical features it is unreasonable and impracticable for the pupils to attend another school; provided that this restriction shall not apply to elementary schools in a consolidated and/or rural high school district nor to any district which at some previous election has voted to remove such conditions by consolidation, nor to any school district that has received State aid for the preceding five (5) years when need is shown as provided in this Act.

Sec. 4. Teacher-Pupil Load. State aid under provisions of this Act shall

be allotted upon the basis of one teacher for any number of scholastics from twenty (20) to thirty-five (35) and one (1) additional teacher for each additional thirty (30) scholastics, or fractional part thereof, residing in the district. It is expressly provided that in the event pupils are transferred into the district the excess fractional part thereof shall not be less than two (2) scholastics. The basis for calculation shall be the net scholastic enumeration of white or colored race, as the case may be, including the transfers into the district, and excluding the transfers out of the district, provided such transfers are from the districts eligible to receive aid under Section 6 of this Act, for the current year; and there shall be deducted all scholastics who have completed the course of study in their home school, as authorized by the County Board of Trustees. The condition of Census Rolls of a district on October 1st shall determine the number of teachers to which such district is eligible; provided that where unusual or extraordinary conditions cause an actual increase in enrollment, an adjustment as to the number of teachers may be made by the State Superintendent on approval of said Joint Legislative Advisory Committee not to exceed the teacher-pupil load provided herein. A condition of unusual enrollment may be said to exist when and if the average daily attendance of a school reaches a point in excess of the net scholastics remaining in the district after transfer. Under no condition shall aid be granted for teachers in excess of the teacher-pupil load based on the average daily attendance for a period of at least five (5) consecutive months; provided further that under no conditions shall aid be granted any district in excess of the number of teachers actually contracted for and employed; however, said committee may formulate for the second year of the biennium a schedule of expenditures for each school based upon the number of teachers employed as authorized herein, and shall place all schedules of payment for the last year of the biennium on the net scholastics for such school districts for the year preceding.

Sec. 5. Average Daily Attendance. No school shall be granted salary aid under the provisions of this Act whose average daily attendance is less than sixty-five per cent (65%) on the scholastic census enrollment for either white or colored school. Provided, the provisions of this Act shall not apply to any school where there is any kind of epidemic of sickness, and such exemption may be allowed only when the facts are determined and certified to by the County or State Health Officer residing in the area affected. Districts where parochial schools are maintained are exempt from the provisions of this Section.

Sec. 6. Tax Levy. No school district shall be eligible to receive aid under the provisions of this Act unless it shall be providing for the annual support of its schools by voting, levying, and collecting for the current year a local maintenance school tax, exclusive of the tax for interest and sinking fund for bonds, of not less than Fifty (50c) Cents on the One Hundred (\$100.00) Dollars of property valuation in the entire district; and providing further, that the property valuation shall not be less than said property is valued for state and county purposes. All income from a maintenance tax exceeding the required Fifty (50c) Cents maintenance tax may be used at the discretion of the local school authorities of the district for any lawful purpose. Any or all maintenance tax above Fifty (50c) Cents shall be included in the calculation of need for aid.

Sec. 7. Salary Schedule. No part of the aid herein provided shall be used for increasing the monthly salary of any teacher, except as herein authorized, and funds provided for in this Act shall be used for the exclusive purpose of extending the length of the school term of the schools situated in the district receiving such aid on the basis of a schedule of teachers' salaries as determined by the State Board of Education for the school year 1941-42 and school year 1942-43; and provided further that no salary shall be paid from this appropriation for more than nine (9) months except Superintendents of accredited schools entitled to six (6) teachers or more

under Section 4 of this Act, vocational agriculture teachers, trades and industries teachers and vocational home economics teachers, employed in salary aid schools.

Sec. 8. Length of Term. All schools of the unaffiliated class receiving aid shall provide a term of approximately eight (8) months. These schools shall be so classified by the County Board so as to provide as nearly as possible an eight (8) months term out of the State, county and local funds. Should these not be sufficient funds to maintain the schools as herein stated, then aid may be granted subject to all provisions of this Act. Should any school district eligible to receive aid under the provisions of this Act maintain a salary schedule in excess of the salary schedule as determined by the State Board of Education for the school year 1941-42 and year 1942-43, the amount of aid received by such school district shall be reduced by the amount of such excess.

Nothing in this Act shall be construed as forcing the consolidation of any schools, nor shall any aid be withheld from any school for its failure to consolidate.

Sec. 9. High School Tuition. It is hereby expressly provided that a sufficient amount of funds allocated by this Act be used for the payment of high school tuition for not to exceed seven dollars and fifty cents (\$7.50) for month, including the per capita apportionment for any one pupil on the census roll for any one school year for those students whose grades are not taught in their home district. The tuition rate to be charged by the said receiving accredited high school shall be determined by the State Department of Education on the basis of said school's budget submitted for approval. Receiving schools not accepting said approved rate as the maximum amount to be charged pupils shall not be eligible to receive state high school tuition funds. In the event a receiving accredited high school receives Salary Aid, there shall be deducted from the salary aid grant of such school any amount of tuition to be collected from sending districts, and all such collections shall be included in the revenue section of the State Aid Application. In addition

to the regular tuition, such revenue shall include the tuition to be received from high school pupils from non-accredited schools whose grades are taught at home, or those from districts with less than fifty cents (50c) local maintenance tax, and those from districts not applying for aid and not operating schools. In no event shall any salary aid school receive tuition aid in any amount which together with the salary aid granted, would exceed the budgetary need as indicated by the approved State Aid Application. Provided further that in consolidated districts comprising nine hundred (900) square miles or more of territory the above limitations and restrictions shall not apply, but instead a straight tuition payment of seven dollars and fifty cents (\$7.50) per month per pupils shall be paid on all high school pupils enumerated in the consolidated district and living within the present boundaries of any territory annexed or otherwise consolidated to the central receiving high school. And providing further that high school tuition of not to exceed two dollars and fifty cents (\$2.50) per high school scholastic per month shall be granted for pupils in consolidated districts whose valuation is less than fifteen hundred (\$1,500.00) dollars per scholastic population and whose budget shows a need therefor, and that maintains an affiliated high school of not less than sixteen (16) units.

Sec. 10. Transportation Aid. The County Superintendent and County School Boards of the several counties of this State subject to approval of the State Director of Equalization in the Department of Education, are hereby authorized to set up the most economical system of transportation for the purpose of transporting both grade and high school pupils from their districts and within their districts; provided that no district shall be eligible for transportation aid unless the County-wide system, as set up by the County Board, is strictly adhered to, and provided further that no duplication of bus routes may be set up except in cases where road conditions require such duplications. The expense of such transportation shall be paid on the basis of budgetary need as indicated by approved

State aid application, out of the funds herein allocated for transportation aid, not to exceed Two Dollars (\$2.00) per month per pupil for those attending the most convenient accredited high school and not more than One Dollar (\$1.00) per month per pupil for those transported to elementary schools; provided that if there be no convenient accredited high school, that such pupil may obtain like aid under the provisions of this Section when attending any near high school of higher classification than the sending district when designated by the County Board, provided that all school districts containing one hundred (100) square miles of territory or more may receive Two (\$2.00) Dollars per month per pupil as transportation aid when there is a need shown therefor as provided herein and when same is recommended by the Director of Equalization and approved by the Joint Legislative Advisory Committee. Provided further that the budgetary provisions of this law shall not affect the transportation grants made to any consolidated districts now composed of three or more original districts, containing an area exceeding fifty square miles that transports fifty (50%) per cent or more of its school enrollment more than two (2) miles within the confines of said district to the school attended, provided the said district receives no other aid than the transportation aid as provided in this section, and maintains a fully accredited high school, and employs twenty (20) or more teachers. In no instance may aid be granted for pupils transported who attend a grade in another school which grade is taught in such pupil's home district. Aid shall not be granted under any provision of this section unless the pupil so transported actually resides more than two (2) miles from the school receiving such pupil. Provided that the Deputy State Superintendents shall personally locate a point on each bus route two (2) miles from the receiving school and after such a point is established he shall personally determine whether the school is requesting transportation aid on any student residing within the two (2) mile limit. If the Deputy State Superintendent advises that a school is requesting transportation aid on students living within the said two

(2) mile limit he shall report the case to the Joint Legislative Advisory Committee and the State Superintendent of Public Instruction may disqualify said school for any transportation aid for the current year. Provided further that no transportation aid shall be paid to privately owned busses except when approved by the County Board of Education and the State Director of Equalization. County Boards are hereby authorized to employ bus drivers for not to exceed two years provided such drivers own their bus and provided said bus drivers agree to make improvements on their busses, so as to more adequately insure safer transportation for the pupils.

Sec. 11. Allocation of Appropriation. All expenditures for costs of administering the various funds named in this Act shall be paid for out of the monies allocated in this Act, and such expenditures shall be the amounts and as authorized by the General Departmental Appropriation Bill for the current biennium as therein itemized and not otherwise, except as otherwise herein provided.

It is herein specifically provided that out of the money appropriated in Section 1 of this Act, the sum of Four Million, Six Hundred Forty-eight Thousand, Three Hundred Fifty-seven (\$4,648,357.00) Dollars is hereby set aside for teacher salary aid; One Million, Thirty-four Thousand, Two Hundred Forty-three (\$1,034,243.00) Dollars for high school tuition; Two Million, Three Hundred Fifty-five Thousand, and Seventy-two (\$2,355,072.00) Dollars for Transportation Aid; each of the above named allocations being for each year of the biennium. There is also hereby set aside and allocated out of the appropriations made in Section 1 hereof for each year of the biennium the following: The sum of One Hundred Twenty-four Thousand, Two Hundred Seventy (\$124,270.00) Dollars for the administration of the Equalization Division of the Department of Education; the sum of Four Thousand, Two Hundred and Fifty (\$4,250.00) Dollars for the School Plant Division in the Department of Education.

Sec. 12. Powers of the State Superintendent of Public Instruction and Joint Legislative Advisory Committee. It shall be the duty of the

State Superintendent of Public Instruction, and he is hereby authorized to take such action and to make such rules and regulations not inconsistent with the terms of this Act as may be necessary to carry out the provisions and intentions of this Act subject to the approval of the Joint Legislative Advisory Committee created in this Act, and for the best interest of the schools for whose benefit the funds are appropriated. It shall be the duty of the State Superintendent of Public Instruction to appoint the number of Deputy State Superintendents hereinafter authorized to make a thorough investigation, in person, of the grounds, building equipment, teaching staff, and financial condition of each school applying for aid; and no aid shall be given unless it can be shown that all provisions of this Act have been complied with, and that such amount of aid is actually needed. Provided, however, that no regulation of the State Superintendent, State Board of Education or Joint Legislative Advisory Committee shall conflict with any provisions of this Act or any present statute. Provided further, that the State Superintendent of Public Instruction shall appoint not to exceed

One (1) Director of High School and Junior High School;

One (1) Director of Equalization;

One (1) Executive Secretary of Equalization;

One (1) Accountant;

Twenty-four (24) Deputy State Superintendents;

Two (2) Stenographers;

One (1) Bookkeeper;

One (1) Porter.

And extra and seasonal help, the cost of which shall not exceed Six Hundred (\$600.00) Dollars.

The twenty-four Deputy State Superintendents appointed hereunder shall reside in their respective supervisory districts. The salaries and traveling expenses of the herein named employees only shall be paid for out of monies herein appropriated, and no other salary or expenditures shall be paid from the appropriations of this Act. The Joint Legislative Advisory Committee shall cooperate, as aforesaid, with the State Superintendent of Public Instruction in carrying out the pro-

visions of this Act, and in the event the appropriations and allocations made herein are insufficient to pay the total of all applications, showing need, said committee shall reduce all applications pro rata so as to bring the aggregate of all applications approved within the appropriations and allocations herein made, and in order to accomplish this, said committee shall reduce the authorized expenditures of all schools applying for salary aid pro rata; shall extend the free time of all schools applying for tuition pro rata, and decrease the transportation aid of each scholastic transported pro rata, so as to bring the total salary aid, tuition aid, and transportation aid within the allocations hereinabove set forth.

Sec. 13. Application for Aid. The trustees of the schools authorized to apply for aid under the provisions of this Act shall send to the State Superintendent of Public Instruction on forms provided by said authority a list of the teachers employed in the schools showing the monthly salary, experience, and training of each, together with an itemized statement of budgeted receipts and expenditures, and the length of term and such other information as may be required, and the State Superintendent, under the direction of the Joint Legislative Advisory Committee may, subject to the provisions of this Act, grant to the school such an amount of this fund as will, with the State and County available funds, together with the local funds, maintain the school for a term not to exceed nine (9) months for classified or affiliated high schools and approximately eight (8) months for unaccredited high schools; provided that if the school has sufficient State and County available funds to maintain the school for an eight (8) month term according to the salary schedule adopted by the State Board of Education for the school years 1941-42 and 1942-43 or with its local maintenance tax, to maintain the desired length of term, not to exceed nine (9) months, as provided in Section 8, it shall not be eligible to receive aid; provided further, that the county superintendent, subject to the approval of the State Superintendent of Public Instruction, shall approve all contracts with teachers, supervising officers, and bus drivers in all

schools before such schools may be eligible to receive aid under any provisions of this Act. Provided, also, that all aid granted out of the funds herein provided shall be allotted only on the basis of need, based upon a proper budgeting of each district asking for any form of aid. The application shall be sworn to by the County Superintendent, president and secretary of the board of trustees of each of the schools applying for aid. All aid granted out of the funds provided shall be allotted only on the basis of need based upon an approved budget of each district asking for any form of aid, except as otherwise provided in this Act. All applications for aid authorized herein shall be on file with the State Department of Education not later than October 1 of each year of the biennium, and any school not filing such application before such date of each year shall not be eligible for aid for the current year and shall not be considered or approved for the type of aid applied for.

It is provided that no application for aid shall be approved until all applications filed on or before October 1 of the current year have been considered; and provided further, each application shall, if the amount of money available is not sufficient to pay all approved applications in full, receive the same proportion of aid as every other approved application of like type of aid.

It is further provided, that the application for aid (including high school tuition) for any current year shall not be approved in an amount in excess of the amount of money available during such current year for all types of aid herein provided for. Even though the application for aid, on a basis of need shown exceeds the amount of money available during such current year for all types of aid, then each application shall be proportionately reduced so that the total of all approved applications for such current year will not exceed the amount of money available for said year for all types of aid, and neither the State Superintendent nor the Joint Legislative Advisory Committee shall make exceptions to this provision and shall proceed to perform this duty in conformity with Section 12 herein.

Sec. 14. Sparsely Settled Districts Defined. A sparsely settled district as referred to in Section 2 hereof and as herein defined is a school district within a county having less than one thousand four hundred (1,400) scholastics enumerated within all of such counties' common school districts and such districts having less than twenty (20) enumerated scholastics therein and such districts so defined when applying for aid and having, levying and collecting a tax as provided in Section 6 herein may be exempt from the minimum teacher-pupil load, and in no instance shall this exemption be extended or applicable to any district employing more than one (1) teacher; provided, however, the State Superintendent, with the consent of the Joint Legislative Advisory Committee may grant aid for not more than one additional teacher for any common school district, if such application is approved before November 1 of the current year.

Sec. 15. Transfer of Entire District. On the agreement of the Board of Trustees of the Districts concerned or on petition signed by a majority of the qualified voters of the district and subject to the approval of the county superintendent and State Superintendent, the trustees of a district which may be unable to maintain a satisfactory school may transfer its entire scholastic enrollment, or any number of grades thereof, to the nearest affiliated high school or school of higher rank, for one year. In event all the grades are transferred, the scholastic census rolls shall be combined, the per capita apportionment shall be paid direct to the receiving school, all local taxes except those going to the interest and sinking fund shall be credited to the receiving school by the Tax Collector as collected, and the teacher-pupil load shall be based on the combined census total.

Sec. 16. Disbursement. Warrants for all money granted under the provisions of this Act shall be approved and transmitted by the State Superintendent of Public Instruction to treasurers of depositories of school districts to which aid is granted in the same manner as warrants for State apportionments are now transmitted. Initial payment of not more

than fifty per cent (50%) on Salary Aid, tuition aid, and transportation aid may be made by the State Superintendent of Public Instruction after September 1 of each year of the biennium as soon as a basis for payment can be determined. Not later than January 31 of each year, the initial State inspection of all Equalization Aid Schools shall be completed. Final payment of warrant of the total amount allotted to any one school shall then be made not later than June 1, except High School Tuition, and the final payments shall be made on a percentage basis so that each school approved for aid will receive the same proportion of aid.

It shall be the duty of all treasurers of depositories to make annual itemized reports under oath to the State Superintendent of Public Instruction of the expenditures of all money granted under the provisions of this Act as herein directed not later than October 1 of each year. Districts receiving aid under the provisions of this Act shall issue warrants for not to exceed the amount approved in the budget and for the exact purpose as approved. All warrants issued against a fund shall be numbered and paid by the depository in the order issued.

Sec. 17. Accrediting. All schools affected by this Act desiring to become accredited or affiliated by the State Department of Education shall make application upon a form to be furnished by the State Department of Education to the Deputy State Superintendent in whose district the school is located. The Deputy State Superintendent shall make his recommendation to the State Superintendent of Public Instruction who shall approve or reject said application, and no committee of any character whatsoever shall have any authority regarding said application.

Sec. 18. Counties Having No Governing School Board. In counties which constitute a single school district and in which there is no governing body designated as the county school board, the duties authorized by this Act to be performed by the county school board are hereby conferred upon the existing governing bodies of such districts, and all aid shall be granted on the basis of

need after proper budgeting, the same as herein provided.

Sec. 19. Federal Government Land Purchases and University Lands. State Superintendents, subject to the approval of the Joint Legislative Advisory Committee, shall take into consideration in fixing allowances to school districts, any loss sustained by such districts by reason of the location in said districts of University lands or Federal owned lands. It is expressly understood that any revenues received by said school districts by virtue of this section must be included as revenue in the budget before calculating a budgetary need for such schools applying for aid.

Sec. 20. Miscellaneous Provisions. Rural schools accepting the provisions of this Act shall be entitled to share, subject to the limitations of this Act, in the distribution of State and County Available School Funds and in all other school funds as may herein be provided; provided, however, that no school or school district shall be denied aid for failure or refusal to buy any books, equipment, charts, and/or school supplies offered by any person, firm, or corporation unless the minutes of the State Board of Education of Texas show that said books, equipment, charts, and/or supplies were approved by a unanimous vote of said Board of Education.

And, it is further provided that it shall be the duty of the County Superintendent to receive and check all high school tuition applications to determine the following facts: age of the pupil, the district in which he was enumerated, the district in which he lives, the district in which he attends school, the grade in which the pupil is classified in the receiving district, the highest grade taught in the home district of the pupil, the amount of time the pupil was in actual attendance at the receiving school, and the rate and free time allowed the pupil by the receiving high school. When such application has been reviewed and checked as herein provided, same shall be properly certified to by such county superintendent, and the president and/or secretary of the school board of the sending district of the pupil, before said application

is transmitted to the Director of Equalization at Austin, Texas, for his inspection, rejection, modification, or approval, and no such application shall be considered by the Director of Equalization or said Joint Legislative Advisory Committee unless same has been duly deposited with him, or it, at Austin, Texas, on or before June 15 of each year of the biennium; provided further that the officials of the sending district or the county superintendent shall furnish the superintendent or the Secretary of the School Board of the receiving school a copy of the budget required by the State Department for establishing the eligibility of the sending district for having the State pay tuition on its high school scholastics. Provided that, if an incorporated city, town or village is levying and collecting taxes for the support or benefit of its municipal school district in an amount not less than provided for in Section 6 of this Act, and/or for interest and sinking funds for bonds or other indebtedness issued or incurred for the direct benefit of such municipal school district, then, in any such event, such taxes so levied and collected by such incorporated city, town, or village shall, for the purpose of this Act, be considered as taxes levied and collected by such school district.

Sec. 21. Allocations in Favor of Exceptions to the General Provisions Allocating Aid. All applications for salary aid coming within the general provisions of this Act, applications for high school tuition aid coming within the General provisions of Section 9 of this Act, and all applications for transportation aid coming within the general provisions of Section 10 of this Act shall first be considered, and if approved in the manner authorized and directed herein, shall first be paid out of the appropriation made for each of the years of the current biennium in the manner and method herein directed, and said aid, if so granted, shall be first paid out of the appropriations and allocations herein made to an amount exceeding one hundred per cent (100%) of the approved grant therefor, and all exceptions to the general law permitting and granting aid to the several school districts of

this State shall be paid only if and when those approved applications coming within the general provisions of this Act have first been paid, and such exceptions shall then be allowed and admitted as approved, and upon approval they shall be paid out of such allocations remaining unexpended and then upon a pro rata per capita basis out of the funds remaining unexpended in each of the allocations herein made and not otherwise. And it shall be the duty of said Joint Legislative Advisory Committee to classify all applications which are exceptions to the general provisions allowing aid in this Act.

Sec. 22. Joint Legislative Advisory Committee. It shall be the duty of the Joint Legislative Advisory Committee and the State Superintendent of Public Instruction to pay by warrant not more than fifty (50%) per cent of the total amount allotted to any one school as an initial payment, and the remaining payments shall be made on a percentage basis to the schools in such manner and amount that the total expenditures for any one year shall not exceed the total allocations appropriated for that year.

The Joint Legislative Advisory Committee and the State Superintendent of Public Instruction are hereby prohibited from paying any one or more schools its, or their, allotment in an amount greater, on a percentage basis, than is paid any other school. This provision shall apply to all allotments and claims and/or allocations of appropriations provided for in this Act.

It is specifically provided herein that the Joint Legislative Advisory Committee and the State Superintendent of Public Instruction shall not pledge the State nor incur obligations against the rural aid fund in any amount or in any one year in excess of the amount herein appropriated, and it is the sense of the Legislature that the amounts herein allocated shall be in full of all amounts to be spent for the purpose contemplated by this Act for the period covered by this Act.

Sec. 23. Penalty Provision. Any district violating any of the provisions of this Act shall forfeit all rights of such aid and may be disqualified to receive any aid of any

nature under any Section of this Act for the current year. Should any school which otherwise be eligible to receive aid agree, or contract with teachers to pay a smaller monthly salary during the remainder of the terms following the granting of aid, provided out of local funds, than is paid out of State funds, then such school shall forfeit its right to receive aid. Provided any census trustee who shall wilfully make any false report in his roll or summary shall forfeit the right of the district he serves to receive any amount of money that may be provided for in this Act.

It is specifically provided herein that the State Board of Education, State Superintendent of Public Instruction, or Joint Legislative Advisory Committee, or any agency charged with the responsibility of administering the funds hereby appropriated shall not pledge the State for any year in excess of the amount herein appropriated, and it is the sense of the Legislature that the amounts herein appropriated shall cover in full all amounts to be spent for the purpose contemplated by this Act. Whoever violates this provision of this Section shall be deemed guilty of misdemeanor, involving official misconduct, and upon conviction thereof, shall be fined in a sum not less than Two Hundred (\$200.00) Dollars not more than One Thousand (\$1,000.00) Dollars, and shall be subject to removal from office.

Sec. 24. Other Penalties. It shall be unlawful for any county school superintendent or the superintendent of any common or independent school district, school teacher, county trustee, and/or district trustee or any other person directly to use or promise to use, pay or promise to pay, any of the funds herein appropriated for the purpose of paying the salary and/or expense of any person or persons to maintain a lobby for any purpose. Violation of this provision shall forfeit the right or rights of the county or any school district in the county from participating in the funds herein appropriated.

Provided further that no financial aid shall ever be withheld from any school entitled to such aid under the provisions of this Act by virtue of an alleged deficiency in the certificates

held by the teaching personnel of any such school on account of and/or by virtue of any regulations of the State Superintendent of Public Instruction, the Department of Education, the Board of Education, and/or the Joint Legislative Advisory Committee, unless, such rule or regulation is expressly provided by statutes of this State.

Provided that the tax provisions and other inhibitions provided in said Act shall not apply to the school where the Alabama Indians attend school in Polk County, Texas.

Sec. 25. State Board of Education. Should for any reason the Joint Legislative Advisory Committee fail or refuse to perform the duties herein imposed upon it, or should the duties, powers, and functions of said Joint Legislative Advisory Committee become inactive or unenforceable, then, and in that event, such duties as are herein imposed on said Joint Legislative Advisory Committee shall be performed by the State Board of Education the same as if said Committee had not been created or authorized.

Sec. 26. Repealing and Constitutional Clauses. All laws or parts of laws in conflict herewith are hereby repealed, and in the event any provision of this Act is declared unconstitutional or invalid by any court of competent jurisdiction, the remainder of this Act shall nevertheless remain in full force and effect.

Sec. 27. The fact that this measure is important for the equalization and educational purposes in Texas creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Mr. Alsop offered the following amendment to the committee amendment:

Amend Committee Amendment No. 1 to House Bill No. 284, page 4, line 35, by inserting between the words "shall" and "be" on said line the word "not."

The amendment to the committee amendment was adopted.

Mr. Bullock offered the following amendment to the committee amendment:

Amend Committee Amendment No. 1 to House Bill No. 284, page 12, Section 15, line 17, by adding the following:

"Provided that the receiving school shall be entitled to aid on the contract school in any amount not to exceed the amount of aid the contract school would have been entitled to had a school been maintained in such school district based on the budgetary need of the receiving district."

The amendment to the committee amendment was adopted.

Mr. McNamara offered the following amendment to the committee amendment:

Amend Committee Amendment No. 1 to House Bill No. 284 on page 5, line 30, by striking out the words and figures "seven dollars and fifty cents (\$7.50) per month" and inserting in lieu thereof the following:

"not to exceed the actual cost per month per student as set by the State Department of Education."

McNAMARA,
McGLASSON,
DAVIS.

On motion of Mr. Alsup, the amendment by Mr. McNamara was tabled.

Mr. Fitzgerald offered the following amendment to the committee amendment:

Amend Committee Amendment No. 1 to House Bill No. 284 by striking out line 19, page 9, and substitute in lieu thereof a new paragraph to be known as Section 28.

"Sec. 28. It shall be the duty of the County Superintendent of each county to carry out the duties that are assigned to the Deputy State Superintendent in House Bill No. 284."

FITZGERALD,
EUBANK,
HOBBS.

Mr. Alsup moved to table the amendment.

The motion to table was lost.

Mr. Taylor offered the following substitute for the amendment by Mr. Fitzgerald:

Amend Committee Amendment No. 1 to House Bill No. 284 by striking out all of Section 12 and substituting the following:

"Powers of the State Board of Education and Joint Legislative Advisory Committee. It shall be the duty of the State Board of Education and they are hereby authorized, to take such action and to make such rules and regulations not inconsistent with the terms of this Act as may be necessary to carry out the provisions and intentions of this Act subject to the approval of the Joint Legislative Advisory Committee created in this Act, and for the best interest of the schools for whose benefit the funds are appropriated. It shall be the duty of the State Board of Education to appoint the number of Deputy State Superintendents hereinafter authorized to make a thorough investigation, in person, of the grounds, building equipment, teaching staff, and financial condition of each school applying for aid; and no aid shall be given unless it can be shown that all provisions of this Act have been complied with, and that such amount of aid is actually needed. Provided, however, that no regulation of the State Board of Education or Joint Legislative Advisory Committee shall conflict with any provisions of this Act or any present statute. Provided further, that the State Board of Education shall appoint not to exceed

One (1) Director of High School and Junior High School;

One (1) Director of Equalization;

One (1) Executive Secretary of Equalization;

One (1) Accountant;

Twenty-four (24) Deputy State Superintendents;

Two (2) Stenographers;

One (1) Bookkeeper;

One (1) Porter;

And extra and seasonal help, the cost of which shall not exceed Six Hundred (\$600.00) Dollars.

The twenty-four Deputy State Superintendents appointed hereunder

shall reside in their respective supervisory districts. The salaries and traveling expenses of the herein named employees only shall be paid for out of monies herein appropriated, and no other salary or expenditures shall be paid from the appropriations of this Act. The Joint Legislative Advisory Committee shall cooperate, as aforesaid, with the State Board of Education in carrying out the provisions of this Act, and in the event the appropriations and allocations made herein are insufficient to pay the total of all applications, showing need, said committee shall reduce all applications pro rata so as to bring the aggregate of all applications approved within the appropriations and allocations herein made, and in order to accomplish this, said committee shall reduce the authorized expenditures of all schools applying for salary aid pro rata; shall extend the free time of all schools applying for tuition pro rata, and decrease the transportation aid of each scholastic transported pro rata, so as to bring the total salary aid, tuition aid, and transportation aid within the allocations hereinabove set forth."

On motion of Mr. Lock, the amendment by Mr. Taylor was tabled.

Mr. Hartzog offered the following substitute for the amendment by Mr. Fitzgerald:

Amend House Bill No. 284 by inserting, on page 9 between the word "Act" and the period before the word "The" on line 30, the following:

"All such Deputy State Superintendents shall be appointed or removed by a majority vote of the State Joint Legislative Advisory Committee."

Mr. Sharpe raised a point of order on further consideration of the substitute amendment by Mr. Hartzog, on the ground that the amendment is not within the jurisdiction of the Legislature.

The Speaker overruled the point of order.

Mr. Eubank moved to table the substitute amendment by Mr. Hartzog.

Mr. Lucas moved the previous question on the pending amendments and the engrossment of House Bill No. 284, and the main question was ordered.

Question first recurring on the motion to table the substitute amendment by Mr. Hartzog, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—84

Allison	Hutchinson
Alsup	Kennedy
Anderson	Kersey
Bailey	King
Baker	Knight
Bean	Lehman
Boone	Little
Bruhl	Lock
Bullock	Love
Bundy	Lowry
Burkett	Lucas
Carlton	McCann
Carrington	McDonald
Cato	McGlasson
Coker	McMurry
Colson, Mrs.	Manford
Craig	Manning
Crosthwait	Martin
Daniel	Matthews
Dickson of Bexar	Morris
Donald	Morse
Dove	Pace
Duckett	Parker
Ellis	Pevehouse
Evans	Phillips
Favors	Price
Ferguson	Reed of Bowie
Files	Reed of Dallas
Fitzgerald	Ridgeway
Fuchs	Rhodes
Gandy	Roberts
Gilmer	Simpson
Halsey	Skiles
Hanna	Spacek
Hargis	Stanford
Helpinstill	Stubbs
Hobbs	Turner
Howington	Vale
Hoyo	Walters
Huddleston	Wattner
Hughes	Weatherford
Humphrey	Whitesides

Nays—39

Bell	Bridgers
Brawner	Burnaman
Bray	Chambers

Clark	McLellan
Cleveland	McNamara
Connelly	Markle
Crossley	Mills
Davis	Moore
Deen	Murray
Harris of Dallas	Senterfitt
Harris of Hill	Shell
Hartzog	Smith of Bastrop
Henderson	Smith of Atascosa
Huffman	Spangler
Kelly	Stinson
Klingeman	Taylor
Lansberry	Thornton
Leyendecker	Voigt
Lyle	Winfree
McAlister	

Absent

Allen	Howard
Blankenship	Isaacks
Brown	Montgomery
Celaya	Morgan
Dickson of Nolan	Nicholson
Dwyer	Rampy
Eubank	Roark
Goodman	Sallas
Hardeman	Sharpe
Heflin	White

Absent—Excused

Avant	Hileman
Benton	Jones
Garland	Kinard

Question recurring on the amendment by Mr. Fitzgerald, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—52

Bailey	Fitzgerald
Baker	Fuchs
Blankenship	Goodman
Bridgers	Halsey
Brown	Hanna
Bruhl	Heflin
Bullock	Henderson
Bundy	Hobbs
Burkett	Howington
Connelly	King
Craig	Lehman
Crossley	Little
Crosthwait	McAlister
Davis	McMurry
Deen	McNamara
Donald	Manford
Ellis	Martin
Eubank	Murray
Favors	Reed of Dallas

Rhodes	Smith of Atascosa
Roark	Spacek
Roberts	Stinson
Sallas	Stubbs
Senterfitt	Thornton
Skiles	Weatherford
Smith of Bastrop	Whitesides

Nays—80

Allison	Klingeman
Alsup	Knight
Anderson	Lansberry
Bean	Leyendecker
Bell	Lock
Boone	Love
Brawner	Lowry
Bray	Lucas
Burnaman	Lyle
Carlton	McCann
Carrington	McDonald
Chambers	McGlasson
Clark	McLellan
Cleveland	Manning
Coker	Markle
Colson, Mrs.	Matthews
Daniel	Mills
Dickson of Bexar	Montgomery
Dove	Moore
Duckett	Morgan
Dwyer	Morris
Evans	Morse
Ferguson	Pace
Files	Parker
Gandy	Pevehouse
Gilmer	Phillips
Hargis	Price
Harris of Dallas	Reed of Bowie
Harris of Hill	Ridgeway
Helpinstill	Shell
Howard	Simpson
Hoyo	Spangler
Huddleston	Stanford
Huffman	Taylor
Hughes	Turner
Humphrey	Vale
Hutchinson	Voigt
Kelly	Walters
Kennedy	Wattner
Kersey	Winfree

Absent

Allen	Isaacks
Cato	Nicholson
Celaya	Rampy
Dickson of Nolan	Sharpe
Hardeman	White
Hartzog	

Absent—Excused

Avant	Hileman
Benton	Jones
Garland	Kinard

Question then recurring on the committee amendment, as amended, it was adopted.

By unanimous consent of the House, the caption of the bill was ordered amended to conform to all changes and with the body of the bill.

House Bill No. 284 was then passed to engrossment.

HOUSE BILL NO. 284 ON THIRD READING

Mr. Alsup moved that the Constitutional Rule requiring bills to be read on three several days be suspended and that House Bill No. 284 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—119

Allison	Gandy
Alsup	Gilmer
Anderson	Goodman
Bailey	Halsey
Baker	Hanna
Bean	Hardeman
Bell	Hargis
Boone	Harris of Dallas
Brawner	Harris of Hill
Bray	Hartzog
Bridgers	Heflin
Bruhl	Helpinstill
Bullock	Henderson
Burnaman	Howard
Carlton	Howington
Carrington	Hoyo
Chambers	Huddleston
Cleveland	Huffman
Coker	Hughes
Colson, Mrs.	Humphrey
Connelly	Hutchinson
Crossley	Kelly
Crosthwait	Kennedy
Daniel	Kersey
Davis	King
Dickson of Bexar	Klingeman
Dickson of Nolan	Knight
Donald	Lansberry
Dove	Lehman
Duckett	Little
Dwyer	Lock
Evans	Love
Favors	Lowry
Ferguson	Lucas
Files	Lyle
Fitzgerald	McCann
Fuchs	McDonald

McLellan	Roberts
McMurry	Sallas
McNamara	Senterfitt
Manford	Shell
Manning	Simpson
Markle	Skiles
Martin	Smith of Bastrop
Matthews	Smith of Atascosa
Montgomery	Spacek
Moore	Spangler
Morgan	Stanford
Morris	Stinson
Morse	Stubbs
Murray	Taylor
Pace	Turner
Parker	Vale
Pevehouse	Voigt
Phillips	Walters
Price	Wattner
Reed of Bowie	Weatherford
Reed of Dallas	White
Ridgeway	Whitesides
Rhodes	Winfree

Nays—9

Craig	Leyendecker
Deen	McAlister
Ellis	Sharpe
Eubank	Thornton
Hobbs	

Present—Not Voting

Burkett	Roark
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Absent

Allen	Clark
Blankenship	Isaacks
Brown	McGlasson
Bundy	Mills
Cato	Nicholson
Celaya	Rampy

Absent—Excused

Avant	Hileman
Benton	Jones
Garland	Kinard

The Speaker then laid House Bill No. 284 before the House on third reading and final passage.

The bill was read third time.

Mr. Bell offered the following amendment to the bill:

Amend House Bill No. 284 by striking out the sentence beginning on line 25, page 7.

Mr. Lucas moved the previous question on the pending amendment and the final passage of House Bill

No. 284, and the main question was ordered.

Question recurring on the amendment by Mr. Bell, it was lost.

House Bill No. 284 was then passed by the following vote:

Yeas—129

Allen	Harris of Hill
Allison	Hartzog
Alsup	Heflin
Anderson	Helpinstill
Bailey	Henderson
Baker	Hobbs
Bean	Howard
Bell	Howington
Boone	Hoyo
Brawner	Huddleston
Bray	Huffman
Bridgers	Hughes
Bruhl	Humphrey
Bullock	Hutchinson
Bundy	Kelly
Burkett	Kennedy
Burnaman	Kersey
Carlton	King
Carrington	Klingeman
Cato	Knight
Chambers	Lansberry
Clark	Lehman
Cleveland	Leyendecker
Coker	Little
Colson, Mrs.	Lock
Connelly	Love
Crossley	Lowry
Crosthwait	Lucas
Daniel	Lyle
Davis	McAlister
Deen	McCann
Dickson of Bexar	McDonald
Dickson of Nolan	McGlasson
Donald	McLellan
Duckett	McMurry
Dwyer	McNamara
Eubank	Manford
Evans	Manning
Favors	Markle
Ferguson	Martin
Files	Matthews
Fitzgerald	Mills
Fuchs	Montgomery
Gandy	Moore
Gilmer	Morgan
Goodman	Morris
Hanna	Morse
Hardeman	Murray
Hargis	Pace
Harris of Dallas	Parker

Phillips	Smith of Atascosa
Price	Spacek
Rampy	Stanford
Reed of Bowie	Stinson
Reed of Dallas	Stubbs
Ridgeway	Taylor
Rhodes	Thornton
Roark	Turner
Roberts	Vale
Sallas	Walters
Senterfitt	Wattner
Shell	Weatherford
Simpson	White
Skiles	Winfree
Smith of Bastrop	

Nays—2

Craig	Voigt
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Absent

Blankenship	Isaacks
Brown	Nicholson
Celaya	Pevehouse
Dove	Sharpe
Halsey	Whitesides

Absent—Excused

Avant	Hileman
Benton	Jones
Ellis	Kinard
Garland	Spangler

Mr. Alsup moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

MESSAGE FROM THE GOVERNOR

The Speaker laid before the House, and had read the following message from the Governor:

April 15, 1941.

To the Members of the Forty-seventh Legislature:

At the request of Representative Lon Alsup I am submitting herewith as emergency legislation a bill dealing with investigating conditions existing in school districts and other places.

Trusting you will give this your prompt and careful attention, I am

Respectfully yours,

W. LEE O'DANIEL,
Governor of Texas.

TEXT OF BILL SUBMITTED
BY GOVERNOR

H. B. No.—,

A BILL

To Be Entitled

An Act creating a Legislative Investigating Committee of five (5) members, three (3) from the House and two (2) from the Senate; appropriating out of the available school fund the sum of Thirty Thousand (\$30,000.00) Dollars for the purpose of investigating the expenditure of State and local monies received by School Districts, and the selling of jobs; describing the duties of said Committee; providing for its organization and powers and for the issuance of warrants for the expenditure of the Committee; authorizing the Committee to promulgate rules and regulations and directing the Committee to co-operate with Grand Juries with reference to unlawful acts of school officials found to exist; and declaring an emergency.

Be It Enacted by the Legislature of the State of Texas:

Section 1. There is hereby created a Legislative Investigating Committee to be composed of five members: Three (3) from the House of Representatives and Two (2) from the Senate. The Speaker of the House shall appoint three (3) members and the Lieutenant Governor shall appoint two (2) members.

Sec. 2. There is hereby appropriated out of the available School Fund of this State the sum of Thirty Thousand (\$30,000.00) Dollars to be used for the purpose of investigating expenditures of all State and local monies received by Common School Districts, Independent School Districts, and School Depositories. The Committee is specifically charged with the duty of investigating the selling of schools by Boards of Trustees of Common and Independent School Districts, and County Boards of Trustees and County Superintendents. The Committee is also authorized to investigate to the fullest extent expenditures of all money which has been appropriated during the present biennium to the Equaliza-

tion Law and shall also investigate any expenditures of any money which may hereafter be appropriated for such purposes by the Legislature as long as this Committee is in full force and effect.

Sec. 3. Said Committee shall organize as soon as practical after the passage of this Act and shall elect its Chairman and all employees which in its judgment is deemed necessary to carry out the provisions of this Act. Three (3) members of said Committee shall constitute a quorum and said Committee may subpoena and summons witnesses, such witnesses to be paid such mileage and per diem as is now provided by law. Each member of said Committee shall receive actual expenses incurred by him while actually performing his duty as a member of said Committee.

Sec. 4. The Chairman of said Committee is authorized to issue warrants for actual expenditures of said Committee upon forms prescribed by the State Comptroller of Public Accounts. The State Comptroller of Public Accounts is specifically authorized to set aside into a Special Account out of the available School Fund of this State the sum of Thirty Thousand (\$30,000.00) Dollars and shall approve all warrants on said account under the method prescribed in this Section.

Sec. 5. Said Committee shall formulate its own rules and regulations in order to carry out the provisions of this Act. If said Committee finds that any person or official charged with the administering of school funds is guilty of misappropriating said funds said Committee shall immediately turn its findings over to the Grand Jury in the County where said person or official resides and shall assist the Grand Jury in every manner possible in the prosecution of said officials. The Committee is authorized and directed to furnish any Grand Jury in any County in this State any and all information which it may obtain concerning the selling of jobs in the various schools of this State. If the Committee finds that flagrant violations have been made over the State as to the expenditures of school monies, either State or local, and if said Committee should determine

that the selling of schools is being engaged in by various officials of this State said Committee shall immediately write such laws which will curb these practices and shall submit a report and recommendations to the next Session of the Legislature.

Sec. 6. The fact that thousands of dollars of the per capita apportionment money and money appropriated to the Equalization Laws of the State are being expended by the various political sub-divisions of this State, and the fact that such expenditures of the taxpayers money is not adequately accounted for and the further fact that wholesale selling of school-teaching jobs is prevalent in the various counties in this State creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three separate days be suspended, and said rule is suspended, and this Act shall take effect and be in force immediately from and after its passage and it is so enacted.

HOUSE BILLS ON FIRST READING

The following House bill introduced today was laid before the House, read first time, and referred to the appropriate committee, as follows:

By Mr. Alsop:

H. B. No. 912, A bill to be entitled "An Act creating a Legislative investigating Committee of five (5) members, three (3) from the House and two (2) from the Senate; appropriating out of the available school fund the sum of Thirty Thousand (\$30,000.00) Dollars for the purpose of investigating the expenditures of State and local monies received by School Districts, and the selling of jobs; describing the duties of said Committee; providing for its organization and powers and for the issuance of warrants for the expenditures of the Committee; authorizing the Committee to promulgate rules and regulations and directing the Committee to co-operate with Grand Juries with reference to unlawful acts of school officials found to exist; and declaring an emergency."

Referred to Committee on School Districts.

Mr. McAlister asked unanimous

consent to introduce at this time and have placed on first reading House Bill No. 913.

There was no objection.

The Speaker then laid the bill before the House, it was read first time and referred to the appropriate Committee, as follows:

By Mr. McAlister:

H. B. No. 913, A bill to be entitled "An Act amending Article 4477, Rule 51a of the Revised Civil Statutes of Texas, so as to provide for the filing of a birth record in the county where the birth occurred or where the parents resided at the time of the birth of such child, or where such child now resides; and so as to provide for the registration of a birth that has not been previously registered; and declaring an emergency."

Referred to the Committee on Public Health.

ADJOURNMENT

On motion of Mr. Montgomery, the House, at 5:35 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following Committees have filed favorable reports on bills and resolutions as follows:

Counties: House Bill Nos. 452, 858, 863, 881, 889, 890, 894, 897, 899, and 905; Senate Bill Nos. 22, 179, and 213.

State Affairs: House Bill Nos. 305, 419, 675, and 875; Senate Bill No. 65; House Simple Resolution No. 187; House Concurrent Resolution No. 89; Senate Concurrent Resolution No. 28.

The following Committees have filed adverse reports with minority favorable reports on bills, as follows:

State Affairs: House Bill No. 480.

Appropriations: House Bill No. 320.

The Committee on Constitutional amendments filed an adverse report on House Joint Resolution No. 11.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, April 15, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 89, Granting permission to W. D. Muncy and wife, Flora K. Muncy, to sue the State of Texas.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 15, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 91, Authorizing the State Board of Control to execute to the City of Austin certain easements.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Austin, Texas, April 15, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. J. R. No. 1, Proposing an amendment to Article 3 of the Constitution of Texas, requiring appropriation bills passed by the Legislature to be presented and certified by the Comptroller of Public Accounts as to available funds for payment thereof, etc.

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORT OF THE COMMITTEE ON ENROLLED BILLS

Austin, Texas, April 15, 1941.

Hon. Homer L. Leonard, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills to whom was referred

H. C. R. No. 88, Extending the registration date limit of commercial motor vehicles to April 28, 1941.

Has carefully compared same and finds it correctly enrolled.

HOWINGTON, Chairman.

SENT TO THE GOVERNOR

April 15, 1941

House Concurrent Resolution No. 88.

In Memory of **Hon. John Snelgrove**

Mr. Ferguson offered the following resolution:

H. S. R. No. 205, In Memory of the Honorable John Snelgrove.

Whereas, The Members of the House of Representatives have learned with deep regret of the untimely passing of one of the former Members of the House, the Honorable John Snelgrove, of Chapman Community, on April 8, 1941; and

Whereas, Mr. Snelgrove was a life-long resident of Rusk County and served as a Representative from that county in the Fortieth and Forty-first Legislatures of the State of Texas. He was a school teacher and a farmer and was always ready to serve his community; and

Whereas, He is survived by his loving wife; three daughters, Mrs. Ruby Stone and Mrs. Juanita Prior of Henderson, Mrs. Ethel Patterson of Carthage; and a sister, Mrs. Gossett of Henderson; now, therefore, be it

Resolved, That the Members of the Forty-seventh Legislature express their sorrow at the passing of this worthy citizen; and be it further

Resolved, That the Chief Clerk be instructed to send copies of this resolution to the family of the deceased and that when the House adjourns today, it do so in memory and respect of the Honorable John Snelgrove.

FERGUSON.

The resolution was read second time.

Signed—Leonard, Speaker; Allen, Allison, Alsup, Anderson, Avant, Bailey, Baker, Bean, Bell, Benton, Blankenship, Boone, Brawner, Bray, Bridgers, Brown, Bruhl, Bullock, Bundy, Burkett, Burnaman, Carlton, Carrington, Cato, Celaya, Chambers, Clark, Cleveland, Coker, Mrs. Colson, Connelly, Craig, Crossley, Crosthwait, Daniel, Davis, Deen, Dickson of Bexar, Dickson of Nolan, Donald, Dove, Duckett, Dwyer, Ellis, Eubank, Evans, Favors, Miss Files, Fitzgerald, Fuchs, Gandy, Garland, Gilmer, Goodman, Halsey, Hanna, Hardeman, Hargis, Harris of Dallas, Harris of Hill, Hartzog, Heflin, Helpinstill, Henderson, Hileman, Hobbs, Howard, Howington, Hoyo, Huddleston, Huffman, Hughes, Humphrey, Hutchinson, Isaacks, Jones, Kelly, Kennedy, Kersey, Kinard, King, Klingeman, Knight, Lansberry, Lehman, Leyendecker, Little, Lock, Love, Lowry, Lucas, Lyle, McAlister, McCann, McDonald, McGlasson, McLellan, McMurry, McNamara, Manford, Manning, Markle, Martin, Matthews, Mills, Montgomery, Moore, Morgan, Morris, Morse, Murray, Nicholson, Pace, Parker, Pevehouse, Phillips, Price, Rampy, Reed of Bowie, Reed of Dallas, Rhodes, Ridgeway, Roark, Roberts, Sallas, Senterfitt, Sharpe, Shell, Simpson, Skiles, Smith of Bastrop, Smith of Atascosa, Spacek, Spangler, Stanford, Stinson, Stubbs, Taylor, Thornton, Turner, Vale, Voigt, Walters, Wattner, Weatherford, White, Whitesides and Winfree.

On the motion of Mr. Voigt, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted by a rising vote.

In Memory of
Dr. John Lacy Whorton

Mr. Bray offered the following resolution:

H. S. R. No. 206, In Memory of Dr. John Lacy Whorton.

Whereas, It has been truly said, and we reverently recall the words of Jesus Christ, the Son of our Lord, "In my Father's House are many mansions * * * I go to prepare a place for thee"; and

Whereas, At 9:45 p. m. on Thursday, April 10, our Lord, in His infinite wisdom, called unto His side, His servant, Dr. John Lacy Whorton; and

Whereas, This Body recalls the unselfish and useful devotion to the Lord's work of our friend, Dr. Whorton, we take this occasion to perpetuate a sincere tribute to his memory.

Dr. John Lacy Whorton was born June 26, 1888, at Arkadelphia, Alabama. He was the son of James Mead and Siddie Roberts Whorton. He graduated from Arkadelphia High School in 1916 and received his Bachelor of Literature degree from Howard College at Birmingham, Alabama, in 1924. The degree of Doctor of Divinity was conferred upon him by Baylor University in 1935.

He took unto himself his wife, Miss LaVada Gardner of Cleveland, Mississippi, on December 29, 1909.

Dr. Whorton assumed his ministry with the First Baptist Church at Longview, Texas, on November 11, 1925, and has served continuously since that time with the exception of one year spent at the First Baptist Church of Bryan, Texas.

His accomplishments are too numerous and varied to be susceptible of complete review at this time but suffice it to say that he was accorded recognition in all his fields of endeavor and his success has been attested by his designation as the Number One Citizen of Longview, Texas; and

Whereas, An all-wise Providence gave John Whorton to Longview at the time of the city's need; and

Whereas, Its people must look to that same Providence to carry on the work where he with Christian resignation left off, yet, although the program of the church and community are carried forward, it will be long before the void in the hearts of his people can be filled, for frail humanity looks to human ties and will not be comforted at such an hour as this; and

Whereas, The voices of little children at play are hushed in reverent memory; and

Whereas, This Body shares with his multitude of friends the terrestrial sorrow that has hushed and stilled the entire State;

Now, therefore, be it resolved, That we commend one to the other that we seek solace in his unforgettable last words, "Carry on," and the divine admonition, "Come, ye blessed of my Father, inherit the kingdom prepared for you from the foundation of the world"; and

Be it further resolved, That we offer this our prayer in tribute and homage to this great man:

"Almighty and eternal God, whose mercies cannot be numbered: We thank Thee for him, our fine companion in this fellowship, who determined not merely to live but to know, and from whose intrepid soul multitudes have drawn courage for the struggles of life. And now for him time has ebbed away, back to the deep whence it flowed, and, as Death has folded its dim mysteries over the tired body, do Thou receive him into those holy habitations, where with Thee he may go from strength to strength in that life of perfect service.

"For her, his beloved companion of the years, we ask Thy tenderest comfort, with the assurance that, though today seems to have naught but crosses in it, parting and desolation, longing and praying in the sleepless dark, nevertheless there is Thy promise shining on every tear, the grace of Christ on every cross, the eternal hope on every sacrifice, the love that triumphs over death, a song that never can be silenced, and the joy that cannot die. Through Jesus Christ our Lord. Amen."

BRAY,
MATTHEWS.

The resolution was read second time.

Signed—Leonard, Speaker; Allen, Allison, Alsup, Anderson, Avant, Bailey, Baker, Bean, Bell, Benton, Blankenship, Boone, Brawner, Bridgers, Brown, Bruhl, Bullock, Bundy, Burkett, Burnaman, Carlton, Carrington, Cato, Celaya, Chambers, Clark, Cleveland, Coker, Mrs. Colson, Connelly, Craig, Crossley, Crosthwait, Daniel, Davis, Deen, Dickson of Bexar, Dickson of Nolan, Donald, Dove, Duckett, Dwyer, Ellis, Eubank, Evans, Favors, Ferguson, Miss Files, Fitzgerald, Fuchs, Gandy, Garland, Gilmer, Goodman, Halsey, Hanna, Hardeman, Hargis, Harris of Dallas, Harris of Hill, Hartzog, Heflin, Helpinstill, Henderson, Hileman, Hobbs, Howard, Howington, Hoyo, Huddleston, Huffman, Hughes, Humphrey, Hutchinson, Isaacks, Jones, Kelly, Kennedy, Kersey, Kinard, King, Klingeman, Knight, Lansberry, Lehman, Leyendecker, Little, Lock, Love, Lowry, Lucas, Lyle, McAlister, McCann, McDonald, McGlasson, McLellan, McMurry, McNamara, Manford, Manning, Markle, Martin, Mills, Montgomery, Moore, Morgan, Morris, Morse, Murray, Nicholson, Pace, Parker, Pevehouse, Phillips, Price, Ramps, Reed of Bowie, Reed of Dallas, Rhodes, Ridgeway, Roark, Roberts, Sallas, Senterfitt, Sharpe, Shell, Simpson, Skiles, Smith of Bastrop, Smith of Atascosa, Spacek, Spangler, Stanford, Stinson, Stubbs, Taylor, Thornton, Turner, Vale, Voigt, Walters, Wattner, Weatherford, White, Whitesides and Winfree.

On the motion of Mr. Matthews, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted by a rising vote.

In Memory of Judge A. J. Fires

Mr. Eubank offered the following resolution:

H. S. R. No. 208, In Memory of Judge A. J. Fires.

Whereas, At six thirty-five o'clock Sunday morning, April 13, 1941, the Almighty God called to rest from his earthly labors Judge A. J. Fires of Childress, Texas, at the age of eighty years; and

Whereas, Judge A. J. Fires was known as "the grand old man of the Panhandle bar," that he was a man well loved in his community, because of his unselfish services to his country, State, and Nation, and he was typical of the pioneer spirit that built the West, being instrumental in bringing about the organization of Childress County in 1887, serving as its first County Judge, and he was loved by all who knew him; now

Therefore, be it resolved, That the House of Representatives of the State of Texas acknowledge with deep regret the passing of this splendid man and that a copy of this resolution be spread upon the memorial pages of the House Journal as a token of the love which was held for this fine man; and

Be it further resolved, That a copy of this resolution be sent to the family of the deceased and that when the House adjourns today, may it do so in silent memory of Judge A. J. Fires.

EUBANK,
FAVORS,
CRAIG,
LITTLE,
DEEN,
ROBERTS.

The resolution was read second time.

Signed—Leonard, Speaker; Allen, Allison, Alsup, Anderson, Avant, Bailey, Baker, Bean, Bell, Benton, Blankenship, Boone, Brawner, Bray, Bridgers, Brown, Bruhl, Bullock, Bundy, Burkett, Burnaman, Carlton, Carrington, Cato, Celaya, Chambers, Clark, Cleveland, Coker, Mrs. Colson, Connelly, Crossley, Crosthwait, Daniel, Davis, Dickson of Bexar, Dickson of Nolan, Donald, Dove, Duckett, Dwyer, Ellis, Evans, Ferguson, Miss Files, Fitzgerald, Fuchs, Gandy, Garland, Gilmer, Goodman, Halsey, Hanna, Hardeman, Hargis, Harris of Dallas, Harris of Hill, Hartzog, Heflin, Helpinstill, Henderson, Hileman, Hobbs, Howard, Howington, Hoyo, Huddleston, Huffman, Hughes, Humphrey, Hutchinson, Isaacks, Jones, Kelly, Kennedy, Kersey, Kinard, King, Klingeman, Knight, Lansberry, Lehman, Leyendecker, Lock, Love, Lowry, Lucas, Lyle, McAlister, McCann, McDonald, McGlasson, McLellan, McMurry, McNamara, Manford, Manning, Markle, Martin, Matthews, Mills, Montgomery, Moore, Morgan, Morris, Morse, Murray, Nicholson, Pace, Parker, Pevehouse, Phillips, Price, Rampy, Reed of Bowie, Reed of Dallas, Rhodes, Ridgeway, Roark, Sallas, Senterfitt, Sharpe, Shell, Simpson, Skiles, Smith of Bastrop, Smith of Atascosa, Spacek, Spangler, Stanford, Stinson, Stubbs, Taylor, Thornton, Turner, Vale, Voigt, Walters, Wattner, Weatherford, White, Whitesides and Winfree.

On the motion of Mr. Favors, the names of all the Members of the House were added to the resolution as signers thereof.

The resolution was unanimously adopted by a rising vote.